



County of Los Angeles CHIEF EXECUTIVE OFFICE

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May 14, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

Status of County-Advocacy Legislation

County-support in concept AB 12 (Beall and Bass), as amended on April 5, 2010, would enact the State option to use Federal Title IV-E funds to extend Foster Care benefits to youth up to 21 years of age and for the Kinship Guardianship Assistance Program (Kin-GAP). Specifically, AB 12 would make the following changes to the Foster Care and Kin-GAP Programs.

Foster Care

- Expands Foster Care for current or former dependent children or wards of the juvenile court over the following periods:
 - 1) Effective January 1, 2012 for eligible youth up to 19 years of age;
 - 2) Effective January 1, 2013 for eligible youth up to 20 years of age; and
 - 3) Effective January 1, 2014 for eligible youth up to 21 years of age.
- Defines non-minor dependents as current or former dependents or wards of the juvenile court who are between 18 and 21 years of age, participating in a

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transitional independent living case plan, and allows payment of Foster Care benefits to non-minor dependents meeting one of the following conditions:

- 1) Completion of a secondary education or an equivalent credential;
 - 2) Enrollment in a post-secondary or vocational education institution;
 - 3) Participation in a program designed to promote or remove barriers to employment;
 - 4) Employment of at least 80 hours per month; or
 - 5) Incapable of complying with any of the above requirements due to a medical condition which is regularly updated in the case plan.
- Specifies that non-minor dependents are within the jurisdiction of the juvenile court. The court would be required to review the status of non-minor dependents at least every six months. Eligible non-minor dependents under the age of 21 would be allowed to petition the juvenile court to reinstate dependency.
 - Requires the case plan for non-minor dependents to be developed with and signed by the non-minor dependent.

Kin-GAP

- Requires the State to implement procedures to convert eligible State-funded Kin-GAP cases to the Federally-funded program with minimal disruption to the child and guardian and with no interruption in assistance payments.
- Establishes a State-funded Kin-GAP Program for children not eligible for Federal Kin-GAP benefits.
- Specifies that Kin-GAP benefits will continue when a parent or other person having an interest in the dependent child files a 388 Petition with the court citing a change in circumstance or new evidence. Currently, Kin-GAP benefits are terminated when a 388 Petition is filed pending a ruling by the court.
- Requires the California Department of Social Services (CDSS) to negotiate with the Federal Department of Health and Human Services on behalf of Los Angeles and Alameda Counties, which participate in the Title IV-E Capped Allocation Waiver, to ensure that the counties receive reimbursement for Kin-GAP services provided outside of the waiver.

Additional Provisions

- Changes eligibility for the Adoption Assistance and Kin-GAP Programs to include eligible youth between 18 and 21 years of age for whom an adoption assistance agreement or Kin-GAP placement began after the youth reached 16 years of age, subject to meeting one of five provisions described above for non-minor dependents.
- Requires a county child welfare or probation department to notify all foster youth including those receiving Adoption Assistance Program and Kin-GAP benefits who attain 16 years of age of expanded benefits.

Programmatic Impact

Department of Children and Family Services

The Department of Children and Family Services (DCFS) indicates that AB 12 would support youth as they transition from Foster Care to adulthood and would help fund a variety of placements, including foster and group homes, college dormitories, apartment living, room and board arrangements and shared roommate settings. Approximately 1,200 youth exit the Foster Care system each year in Los Angeles County and although not all will choose or be eligible to continue to receive services available to non-minor dependents, DCFS would be required to provide continued supervision and services for a majority of these youth. This would result in substantial court and workload impacts. Additional children's social workers, supervising children's social workers, administrative and support staff would be required to meet increased caseload demands associated with developing case plans, assisting youth with meeting program requirements and preparing case reviews and/or court reports.

Probation Department

AB 12 would expand Foster Care and Kin-GAP services to youth up to age 21 who are under the jurisdiction of both the juvenile delinquency and dependency courts. The Probation Department notes that traditionally these youth face substantial barriers impacting fiscal stability and educational success and are more at-risk of becoming involved in the adult criminal system. AB 12 would increase caseloads for Probation officers and require staff to notify juveniles reaching the age of 16 of expanded services and to provide services for eligible non-minor dependents under the jurisdiction of the juvenile delinquency and dependency courts.

Dependency Court

AB 12 would significantly increase the dependency court workload. The dependency court would be required to conduct a review hearing before the child reaches 18 years of age to determine if the child meets the criteria to receive services as a non-minor dependent, and to determine if the child has been informed of his or her right to seek the termination of dependency jurisdiction. The bill also would require the dependency court to review the status of the non-minor dependent no less than every six months.

AB 12 specifies that the changes in State law may not be construed to provide legal custody of a non-minor dependent to the county child welfare or probation department. The bill also specifies that the rights of a dependent child and the responsibilities of the county child welfare or probation department also shall apply to non-minor dependents. However, a non-minor dependent would retain all rights as an adult. According to County Counsel, this would create a new category of adult dependents under the jurisdiction of the dependency court but would grant a non-minor legal autonomy as an adult to participate in dependency proceedings. County Counsel further indicates that this would result in a different relationship than DCFS has with minor dependents or wards. In the case of minors, custody is placed with the County which can make decisions concerning minors.

Additionally, AB 12 would allow non-minor dependents to be placed with minors in the same placement facility. Non-minor dependents that remain in the placement facility in which they resided before turning 18 would be exempt from a criminal background check. County Counsel indicates that this may place minors residing or placed with a non-minor dependent in the same placement at risk if the non-minor dependent has committed a criminal offense.

Estimated Fiscal Impact

The Department of Children and Family Services estimates that AB 12 would result in increased Net County Cost for the Foster Care Program ranging from \$2.2 million to \$2.4 million in FY 2011-12, the first year of the program expansion, and \$11.0 million to \$22.4 million when services are fully expanded in FY 2013-14. DCFS estimates administrative costs would increase from \$1.4 million to \$1.6 million beginning in FY 2011-12 and \$7.6 million to \$13.3 million in FY 2013-14.

The Probation Department estimates that AB 12 would result in increased Net County Cost of \$4.1 million in FY 2011-12, and \$12.6 million in FY 2013-14. The Department estimates increased administrative costs ranging from \$1.0 million to \$1.2 million in FY 2011-12 and \$2.5 million to \$3.0 million in FY 2013-14.

According to the Probation Department and DCFS, these estimates assume that the State would obtain Federal approval to claim increased costs for expanded Foster Care and Kin-GAP services outside the Title IV-E Capped Allocation Waiver.

Recommendation

The Department of Children and Family Services indicates that AB 12 would provide services and support to help non-minor dependents successfully transition from dependency to independence. However, the measure would significantly increase Foster Care and Kin-GAP caseloads and result in increased costs to the County beginning in FY 2011-12.

The Probation Department supports the expansion of the Kin-GAP Program and the concept of expanding Foster Care to youth up to 21 years of age. However, the Department expresses reservations about committing scarce County funds to expand programs during this period of economic uncertainty. Further, the Department indicates that it would be unable to assume additional costs in its budget for the expansion of services.

While AB 12 would authorize eligibility changes to Foster Care and Kin-GAP which would provide much needed services to youth up to 21 years of age, in light of the current fiscal situation and the potential County costs to expand Foster Care and the Kin-GAP Program, this office recommends that **the County continue to support AB 12 in concept.**

In addition, the Departments of Children and Family Services, Probation, the County Counsel and this office recommend seeking amendments to AB 12 to increase County flexibility, protect minor dependents, maximize available funding, and to make technical changes including, but not limited to, the following areas:

- Allow counties operating under the Title IV-E Capped Allocation Waiver Program to claim new costs for expanded Foster Care services on an open-ended matching basis rather than being subject to the waiver capped allocation. AB 12 requires the CDSS to negotiate with the Federal government for reimbursement outside of the waiver only for the expansion of the Kin-GAP Program.
- Give counties the option to establish a non-judiciary system to conduct administrative reviews as an alternative to dependency court supervision of non-minor dependents.

- Transfer the responsibility of maintaining eligibility from the children's social worker to the non-minor dependent. While the children's social worker is required to assist in developing the case plan, the burden for compliance with the plan should rest with the non-minor dependent.
- Retain the authority of the juvenile court to terminate jurisdiction for non-minor dependents. AB 12 specifies that the non-minor dependent shall be presumed to continuously meet one of the conditions of eligibility and that the court must continue jurisdiction for a non-minor dependent who meets one of the conditions unless the non-minor dependent cannot be located or does not wish to remain subject to dependency.
- Remove language in AB 12 which exempts a non-minor dependent who remains in the placement that he/she was in prior to turning 18 years of age from undergoing a criminal background check.
- Require that dependency jurisdiction be terminated in the case of a non-minor dependent convicted of specific crimes or who joins the military.

Therefore, **the Sacramento advocates will continue to support AB 12 in concept and work with the author and sponsors of AB 12 to secure amendments to the bill.**

AB 12 is sponsored by the California Welfare Directors Association, John Burton Foundation, Judicial Council of California, Services Employees International Union and Youth Law Center. The measure is supported by numerous agencies and advocacy groups. There is no opposition on file. AB 12 is awaiting a hearing in the Senate Human Services and Judiciary Committees.

We will continue to keep you advised.

WTF:RA
MR:VE:sb

c: All Department Heads
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California Contract Cities Association
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